

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
February 6, 2024
6:00 pm**

CALL MEETING TO ORDER

AREA VARIANCE HEARING

- Owner/Applicant: Todd Sukdolak
Property Location: v/l Huntington Beach Road
Project: To 1) construct a 1,920 square foot accessory structure (40' X 48') where the maximum square footage for an accessory structure is 900 square feet, and 2) to construct this accessory structure 82 feet back from the road right-of-way where a minimum of 100' back from the road right-of-way is required

APPROVAL OF MINUTES

January 2, 2023

COMMUNICATIONS

OLD BUSINESS

Accessory Structure on Vacant Lot - Huntington Beach Road

NEW BUSINESS

Decision regarding application for variances for T. Sukdolak

ADJOURNMENT



Date: 12-6-23

TO: ZONING BOARD, TOWN OF SOMERSET

Pursuant to Article _____ Section _____ of the Code of the Town of Somerset, application for a Variance is hereby made:

Size of Lot: 485 x 150

(Include Site Plans showing frontage and setbacks and construction plans showing all facilities and proposed uses.)

Location: Huntington Beach Rd SBL # 2.14-1-3

Use District: _____

Owner: Todd Sukdolak Applicant: _____

Address: 7812 W. Somerset Rd Address: _____
Appleton, N.Y. 14508 _____

Site Plan

Attached

Signed: Todd Sukdolak Date: 12-6-23

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

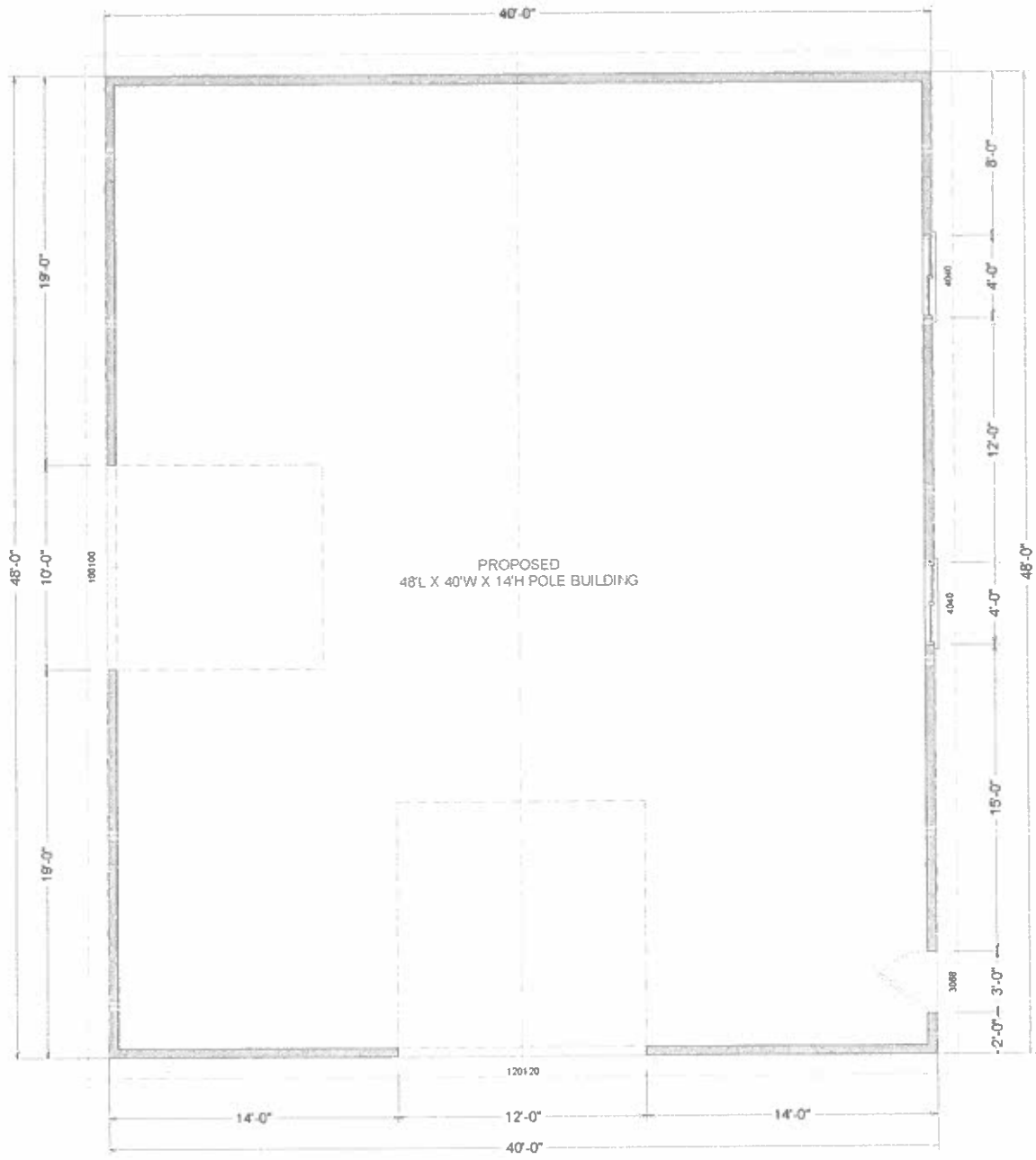
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

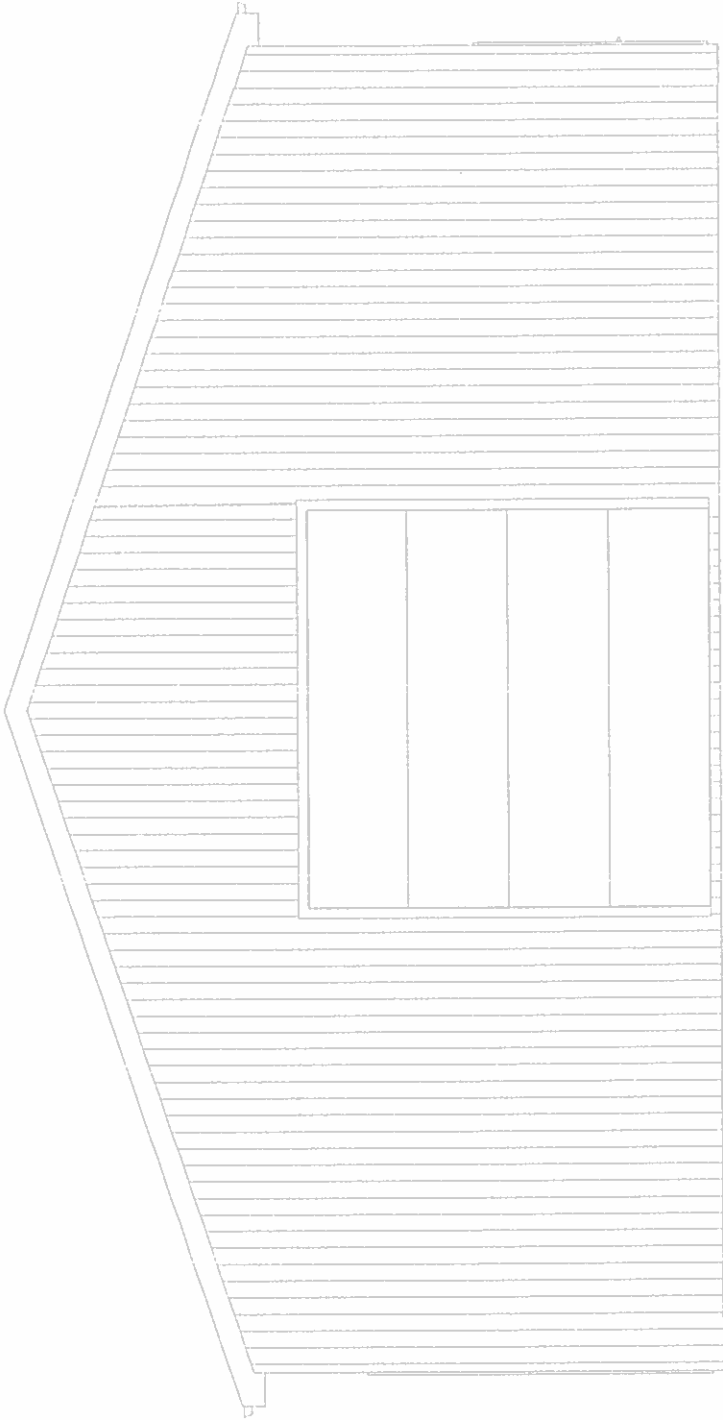
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center;">NEW POLE BUILDING CONSTRUCTION</p>			
Project Location (describe, and attach a location map): <p style="text-align: center;">8645 HUNTINGTON BEACH ROAD, BARKER, NY 14012</p>			
Brief Description of Proposed Action: <p style="text-align: center;">CONSTRUCT A NEW 40'W x 48'L x 14'H POLE STORAGE BUILDING</p>			
Name of Applicant or Sponsor: <p style="text-align: center;">TODD SUHDOLAK</p>		Telephone: 716-799-2681	
		E-Mail: 41x10x9@gmail.com	
Address: <p style="text-align: center;">7812 WEST SOMERSET ROAD</p>			
City/PO: <p style="text-align: center;">APPLETON</p>		State: <p style="text-align: center;">NEW YORK</p>	Zip Code: <p style="text-align: center;">14008</p>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		SEE acres	
b. Total acreage to be physically disturbed?		ATTACHED acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		SURVEY acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

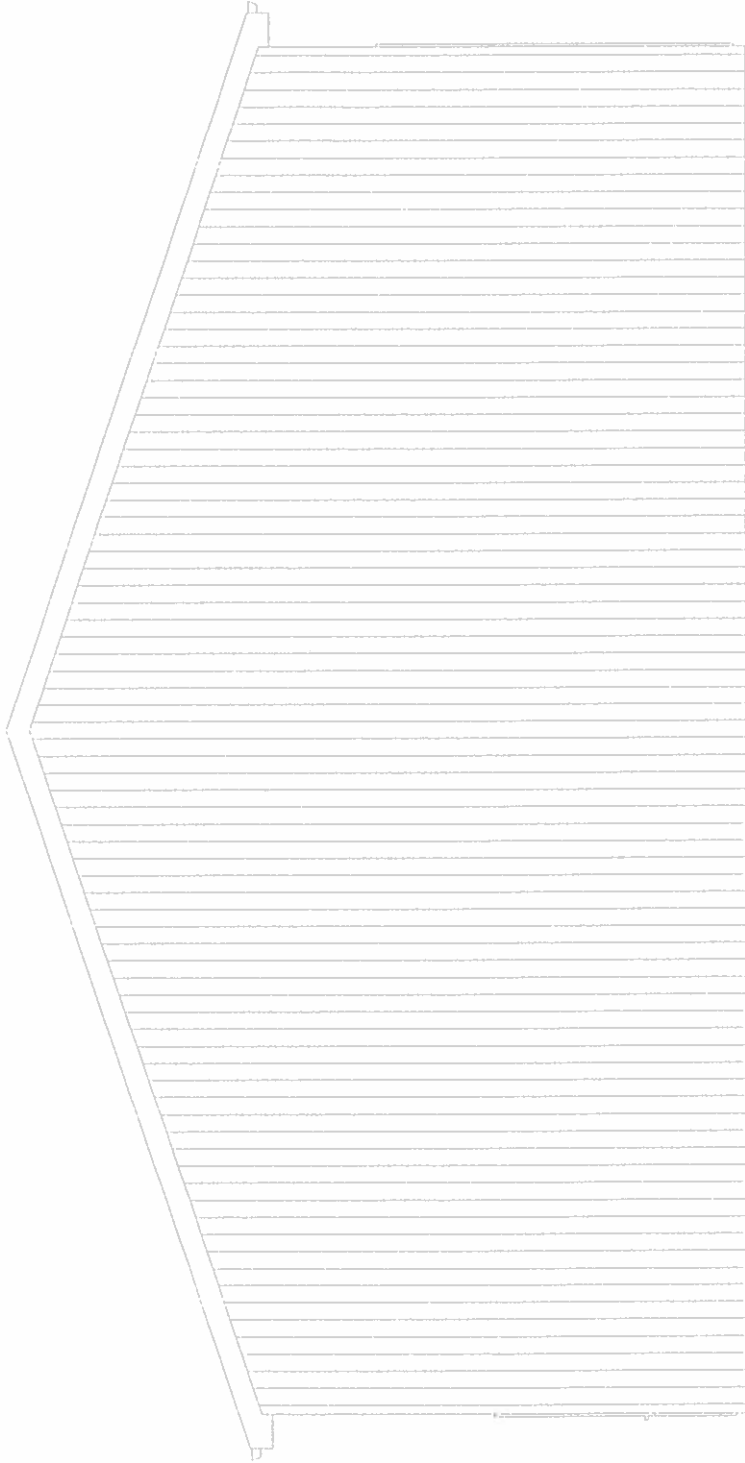
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>TODD SUHDOLAK</u> Date: <u>12-06-2023</u> Signature: <u><i>Todd Suhdolak</i></u> Title: _____		

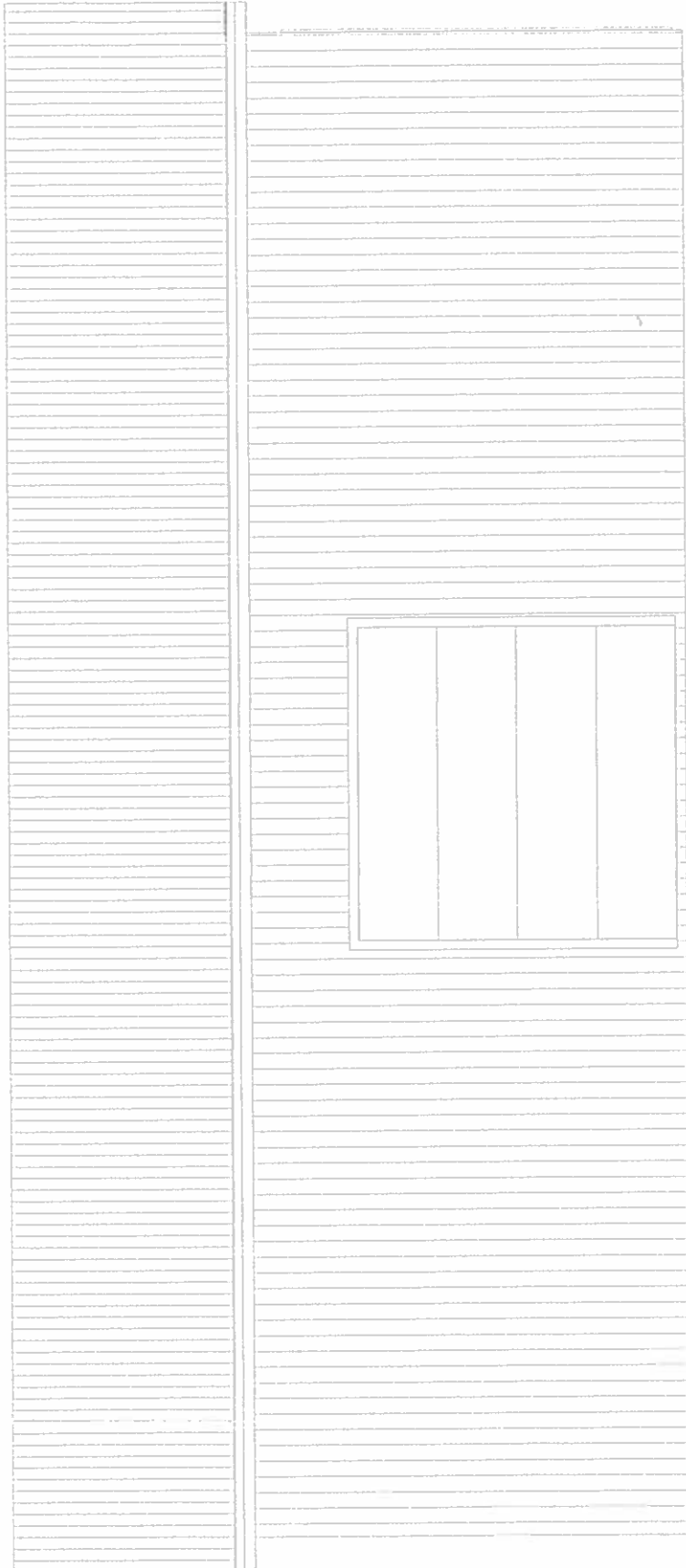




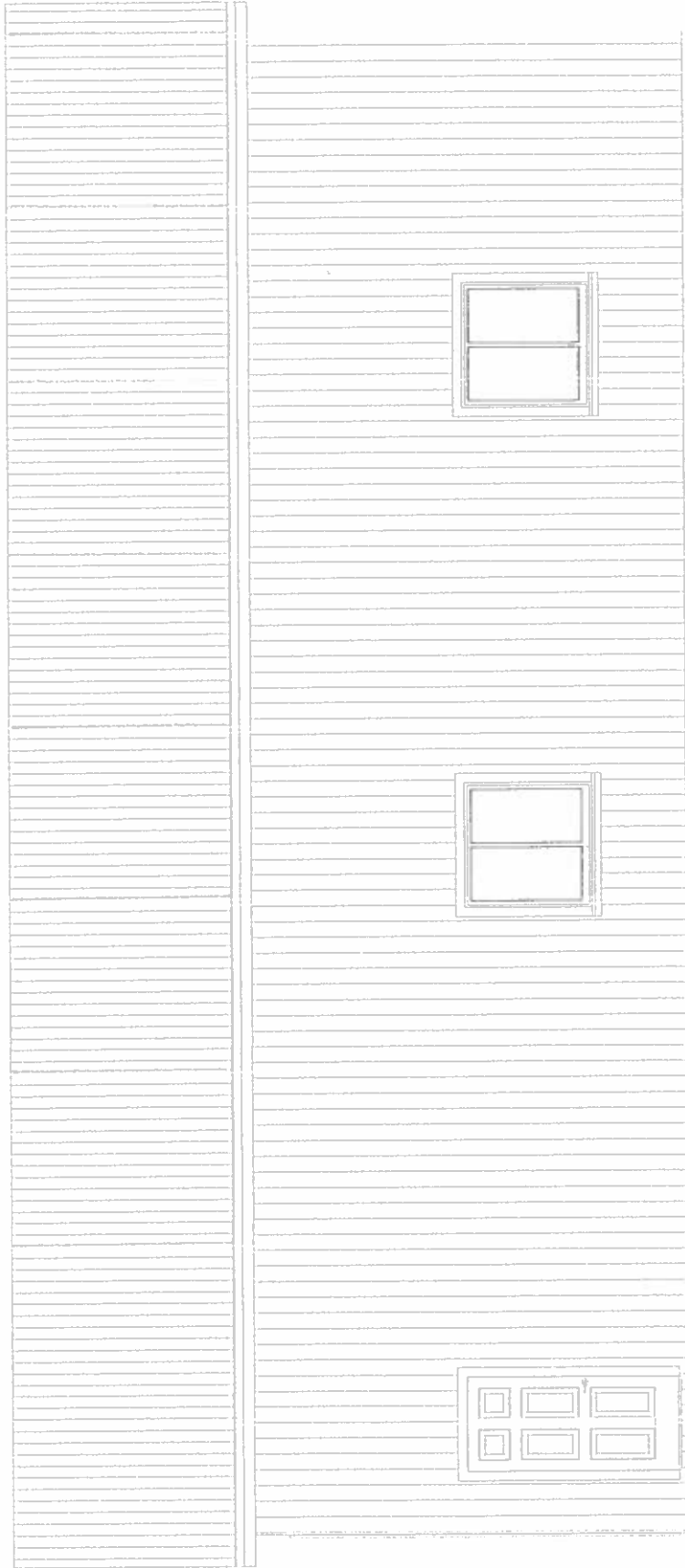
NORTH ELEVATION



SOUTH ELEVATION

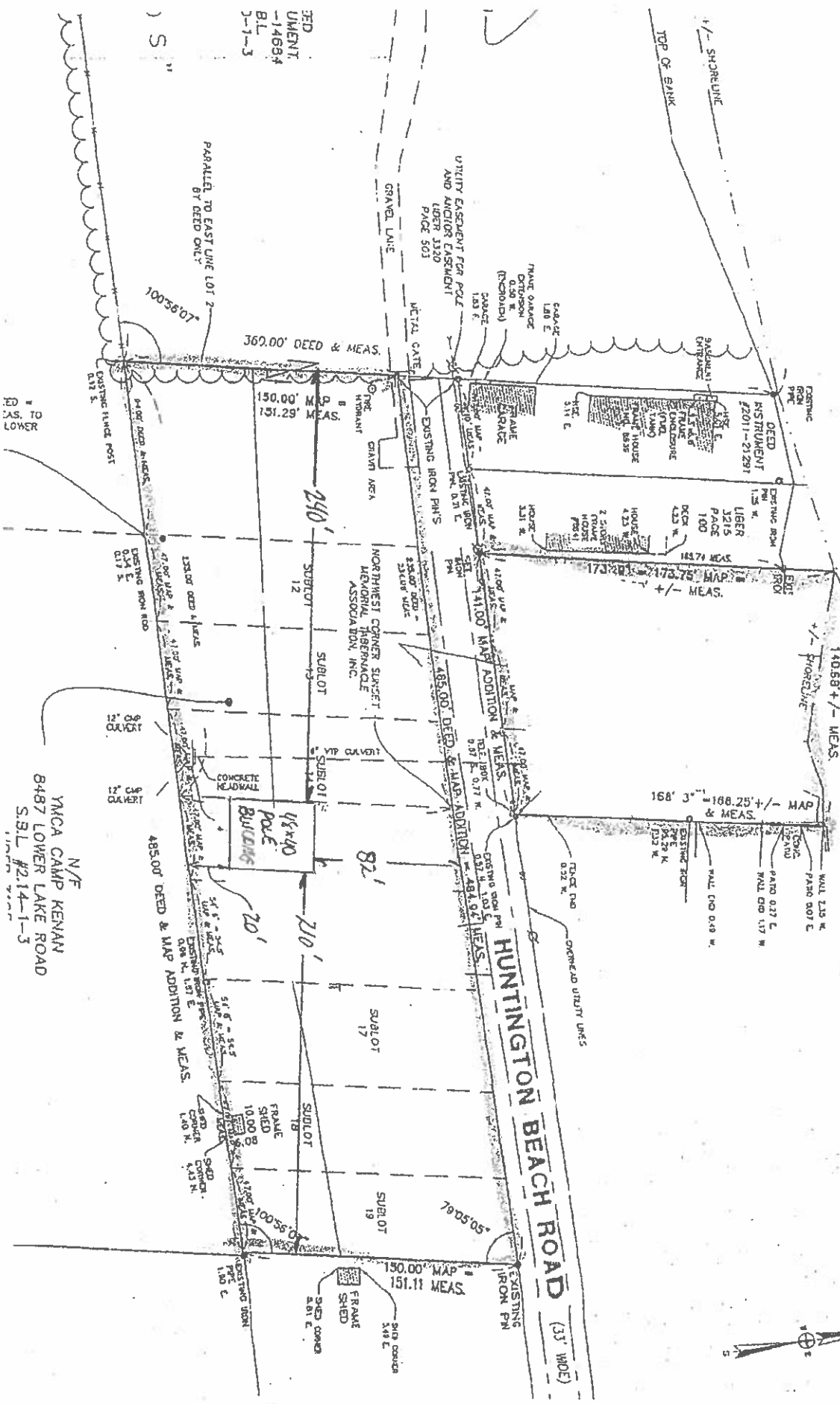


EAST ELEVATION



WEST ELEVATION

ONTARIO



N/F
YMCA CAMP KENAN
8487 LOWER LAKE ROAD
S.B.L. #214-1-3

DEED
UMENT
-14684
B.L.
2-1-3

151.11

PARALLEL TO EAST LINE LOT 2
BY DEED ONLY

10056107

360.00' DEED & MEAS.

150.00' MAP
151.29' MEAS.

240'

12

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

SUBLOT

HUNTINGTON BEACH ROAD
(33' WIDE)



TOWN OF SOMERSET
WATERFRONT ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants or, in the case of direct actions, the appropriate municipal agency, shall complete this Waterfront Assessment Form (WAF) for proposed actions that are subject to the LWRP consistency review. This assessment is intended to supplement other information used by an agency in making a determination of consistency with the Town of Somerset Local Waterfront Revitalization Program.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Applicant Information:
 - (a) Name of applicant (or agency): **Todd Sukdolak**
 - (b) Mailing address: **7812 West Somerset Rd. Appleton**
 - (c) Telephone number: **716 799-2681**
 - (d) Application number, if any:
2. Describe nature and extent of action: **build pole barn**
3. Type of action or approval required (funding, capital construction, land transaction, certification, license, variance, special use or other permit, zoning, other):
Agency undertaking the action: Town of Somerset Zoning Board of Appeals
4. Action is a (attach copy of SEQR EAF): SEQR Type II Action
5. Will the action be directly undertaken, require funding by, or approval by a State or Federal agency?
Yes No
If yes, which State or Federal agency?

6. Location of action (Street or Site Description): 8650 Huntington Beach Road Barker
7. Size of site: 1.75 acres
8. Present land use: Vacant
9. Present zoning classification:
10. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground depressions, other geological formations): N/A
11. Percentage of site that contains slopes of 15% or greater: N/A
12. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?
 Name: Lake Ontario (opposite side of the road)
 Size (in acres):

C WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions).

- | | | |
|--|-----|----------|
| 1. Will the proposed action have a <u>significant effect</u> upon: | YES | NO |
| (a) Commercial or recreational use of fish and wildlife resources? | ___ | <u>X</u> |
| (b) Scenic quality of the waterfront environment? | ___ | <u>X</u> |
| (c) Development of future or existing water dependent uses? | ___ | <u>X</u> |
| (d) Stability of the shoreline? | ___ | <u>X</u> |
| (e) Surface or groundwater quality? | ___ | <u>X</u> |
| (f) Existing or potential public recreation opportunities? | ___ | <u>X</u> |
| (g) Structures, sites or districts of historic, archeological or cultural significance to the municipality, state or nation? | ___ | <u>X</u> |
| 2. Will the proposed action involve or result in any of the following: | YES | NO |
| (a) Physical alteration of land along the shoreline, land under water or coastal waters? | ___ | <u>X</u> |
| (b) Physical alteration of two or more acres of land located elsewhere in the local waterfront revitalization area? | ___ | <u>X</u> |
| (c) Expansion of existing public services or infrastructure in underdeveloped or low density areas of the waterfront area? | ___ | <u>X</u> |
| (d) Energy facility not subject to Article VII or VIII of the Public Service Law? | ___ | <u>X</u> |
| (e) Mining, excavation, filling or dredging? | ___ | <u>X</u> |
| (f) Reduction of existing or potential public access to or along the shoreline or under water? | ___ | <u>X</u> |

- | | | | |
|-----|--|---|--------------|
| (g) | Sale or change in use of publicly-owned lands located on the shoreline or under water? | — | X |
| (h) | Development within a designated flood hazard area? | — | X |
| (i) | Development on a natural feature that provides protection against flooding or erosion? | — | X |
| (k) | Diminished surface or groundwater quality? | — | X |
| (l) | Removal of ground cover from the site? | — | X |

3. Project Information

- | | | | |
|-----|---|-----|--------------|
| (a) | If a project is to be located adjacent to shore: | YES | NO |
| (1) | Will water-related recreation be provided? | — | X |
| (2) | Will public access to the shoreline be provided? | — | X |
| (3) | Does the project require a waterfront site? | — | X |
| (4) | Will it supplant a recreational or maritime use? | — | X |
| (5) | Do essential public services and facilities presently exist at or near the site? | — | X |
| (6) | Is the project site located in an area of high erosion? | — | X |
| (7) | Is project located in a flood prone area? | — | X |
| (b) | If the project site is publicly owned: | YES | NO |
| (1) | Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? | — | X |
| (2) | If located in the foreshore, will access to those and adjacent lands be provided? | — | X |
| (3) | Will it involve the siting and construction of major energy facilities? | — | X |
| (4) | Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities? | — | X |
| (c) | Is the project site presently used by the community as an open space or recreation area? | YES | NO |
| | | — | X |
| (d) | Does the site offer or include scenic views or vistas known to be important to the community? | — | X |
| (e) | Will the surface area of any waterways or wetland areas be increased or decreased by the proposal? | — | X |

- (f) Will the project involve any waste discharges? ___ X
- (g) Does the project involve surface or subsurface liquid waste disposal? ___ X
- (h) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? ___ X
- (i) Does the project involve shipment or storage of petroleum products? ___ X
- (j) Does the project involve discharge of toxics, hazardous substances or other pollutants? ___ X
- (k) Will the project affect any area designated as a freshwater wetland? ___ X
- (l) Will the project alter drainage flow patterns or surface water runoff on or from the site? ___ X
- (m) Will best management practices be utilized to control stormwater runoff into waterways? X ___
- (n) Will the project cause emissions, which exceed Federal or State air quality standards or generate significant amounts of nitrates or sulfates? ___ X

D. REMARKS OR ADDITIONAL INFORMATION (Add any additional sheets necessary to complete this form). Note: The Town may require additional or supplemental information at its discretion.

If assistance or further information is needed to complete this form, please contact the Town of Somerset Code Enforcement Officer at (716) 795-9556.

Name of Applicant: Sukdolak, Todd A.
 Preparer's Name: _____ Telephone Number: 716 799-2681
 Signature: Todd A. Sukdolak
 Title: _____ Agency: _____ Date: 2 Feb 2024

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
JANUARY 2, 2024
6:00pm**

Present Scott Ecker, Chairman
 Amos Andrews
 Larry Dent
 Kent Wakefield
 David Haylett, Attorney

Absent Joe Provencher, Zoning Board Member

Present Applicant: Todd Sukdolak
 Gretchen Sukdolak
 Public Attendance - 9

AREA VARIANCE HEARING

Owner/Applicant Todd Sukdolak

Property Location v/l Huntington Beach Road

Application to consider variances of the Town Code to 1) construct a 1,920 square foot accessory structure (40' X 48') where the maximum square footage of an accessory structure is 900 square feet and 2) to construct said accessory structure 82 feet back from the road right-of-way where a minimum of 100' back from the road right-of-way is required.

Along with the application, the applicant submitted north, south, east, and west elevations along with the plan for the proposed 48'L X 40'W X 14'H pole building, a parcel map, and a job estimate from Country Contracting, Inc. These were all made available for viewing.

The meeting opened at 6:01pm. With a motion from L. Dent, seconded by A. Andrews for the zoning board members to go to executive session, the zoning board members went to the court room for a consultation with Atty. Haylett.

On a motion by L. Dent, seconded by K. Wakefield to end the executive session, the session was closed at 6:11, and at 6:13 the public hearing was opened.

T. Sukdolak opened with an explanation of the pole barn as follows:

- To be used as a storage facility, as well as for old cars and a tractor
- Same color as the house
- Metal roof matches house roof
- Side walls 14', peak 4/12 pitch, height 22'

S. Ecker opened the hearing up to questions from the board members and the public. The following comments were shared, and discussion ensued concerning the following:

- A neighbor questioned the reason for the placement of the pole barn, to which T. Sudolak explained 1) there was already a gravel driveway in place 2) he needed to avoid a drainage pipe on the property 3) there are orchards to the south 4) it would not obstruct vision to the lake
- A neighbor commented that the pole barn is more than double the size that is permitted by the Town Code. He stated that he had to comply with the Town Code and questioned why the applicant should not be expected to do the same
- P. Oliveira and D. Howard each stated his support of the variances
- T. Sukdolak questioned if this project falls under Article 10
He stated that he owns one continuous piece of property and not two separate pieces

With no further discussion, the hearing was closed at 6:35pm.

APPROVAL OF THE MINUTES

On a motion by K. Wakefield, seconded by A. Andrews to approve the Minutes from October 17, 2023, the following resolution was

ADOPTED Ayes 4 Andrews, Dent, Ecker, Wakefield
 Nays 0

Resolution: The Minutes from October 17, 2023 were accepted as submitted.

COMMUNICATIONS

There were no communications

OLD BUSINESS

There was no old business

NEW BUSINESS

Re: v/l Huntington Beach Road

Atty Haylett discussed the options for the hearing which would be to approve or deny the variances or table it to the next meeting.

On a motion by L. Dent, seconded by S. Ecker to table the variance decision to February, 2024, the following resolution was

ADOPTED Ayes 4 Andrews, Dent, Ecker, Wakefield
 Nays 0

Resolution: Variance decisions for v/l Huntington Beach Road is tabled to the February hearing.

Zoning Board
Page 3
January 2, 2024

ADJOURNMENT

There being no further business, K. Wakefield made a motion to adjourn the meeting at 6:40pm, seconded by S. Ecker. Carried unanimously.

Respectfully submitted

Sandra Lewis
Zoning Board Secretary